

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

JIA TIAN and DAVID
FEIGELMAN, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

PELOTON INTERACTIVE, INC., JOHN
FOLEY, BARRY MCCARTHY, JILL
WOODWORTH, ELIZABETH F.
CODDINGTON, THOMAS CORTESE, HISAO
KUSHI, and TAMMY ALBARRÁN,

Defendants.

Case No. 1:23-cv-04279-MKB-JRC

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Declaration of Mark P. Gimbel dated February 2, 2024 and the exhibits thereto, and all prior pleadings and proceedings herein, Defendants Peloton Interactive, Inc., John Foley, Barry McCarthy, Jill Woodworth, Elizabeth Coddington, Thomas Cortese, Hisao Kushi, and Tammy Albarrán, by their undersigned counsel, will move this Court, before the Honorable Margo K. Brodie, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, as soon as counsel may be heard, for an order dismissing the Amended Class Action Complaint (ECF No. 23) with prejudice, pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6) and the Private Securities Litigation Reform Act of 1995, and awarding Defendants such other and further relief as the Court deems just and proper.

New York, New York
Dated: February 2, 2024

Respectfully submitted,

COVINGTON & BURLING LLP

/s/ Mark P. Gimbel

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